PATENT 1686-0108P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: MOTODA, Yoko et al. Conf.: 8334

Appl. No.: 10/748,055 Group: 1636

Filed: December 31, 2003 Examiner: LEFFERS, G.

For: METHOD OF PRODUCING TEMPLATE DNA AND

METHOD OF PRODUCING PROTEIN IN CELL-FREE PROTEIN SYSNTHESIS SYSTEM USING

THE SAME

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE
OR CONCURRENTLY WITH A RULE 1.114 RCE APPLICATION)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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November 23, 2004

#### Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

### I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449(s), attached hereto.

- II. COPIES (check at least one box)
  - a. 

    Copies of cited U.S. patents and patent application publications are not included. 

    Copies of foreign patent documents and non-patent literature are included.
  - b. Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

## III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

#### a. DOCUMENTS IN THE ENGLISH LANGUAGE

The patents, publications, or other information listed on the attached PTO 1449 are in the English language and therefore, do not require a statement of relevancy.

#### b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

No English language translation is available for JP 04-91790; however, WO 0 469 610 is an English counterpart thereof. A partial English language translation is provided for the Kigawa publication submitted.

#### C. ENGLISH LANGUAGE SEARCH REPORT

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

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The following additional information is provided for the Examiner's consideration.

#### FEES

IV.		THIS (che	IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b): ck one box)
	а.		within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. (This section is not to be used with RCE's.)
	b.		within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
	c.		concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
	d.		before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
V.	$\boxtimes$	THIS (chec	IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
	C.F.E	R.§ ing d	e mailing date of a Final Office Action under 37 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the ate of a Notice of Allowance under 37 C.F.R. See 37 C.F.R. § 1.97(c)(2)).

a.

b.

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No statement; therefore, a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

See the statement below. No fee is required.

VI.	STAT	EMENT	UNDER 37 C.F.R. § 1.97(e) (check only one box)
	The	under	signed hereby states that
	a.		each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or
	b.		each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
	С.		no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
	d.		Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this

statement.

VII.	PAYMENT	OF	FEES	(check	one	box)

- A check in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.
- Please charge Deposit Account No. 02-2448 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee. This paper is submitted in triplicate.
- ☐ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Mark J. Nuell, #36,623

Falls Church, VA 22040-0747

P.O. Box 747

(703) 205-8000

DRN:kdm 1686-0108P

Attachment(s):  $\square$  PTO-1449

□ Documents

☐ Foreign Search Report

⊠ Fee

□ Other:

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Form PTO-1449

# INFORMATION DISCLOSURE CITATION IN AN APPLICATION

ATTY.	DOCKET NO.	
168	6-0108P	

APPLICATION NO. 10/748,055

APPLICANT

IN AN APPLICATION (Use several sheets if necessary)					FILING DATE December 31,	GROUP			
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				EIGN PATENT					
	Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	YES	LATION
	EP	0 469 610	A1	02/05/1992	EP				
	JP	04-91790	A	03/25/2004	JP				*
	WO	02/18586	A1	03/07/2002	PCT			Abs.	
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	and par	ctial English	language	translation o	f pp. 1015, left o	olumn,	from li	ne 14.	
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